

ORDINANCE NO. 20081023-018

AN ORDINANCE ADOPTING A REGULATORY PLAN FOR AN AREA ANNEXED FOR LIMITED PURPOSES, REFERRED TO AS THE McCARTY TRACT ANNEXATION AREA.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

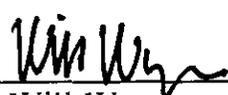
PART 1. The Council finds that:

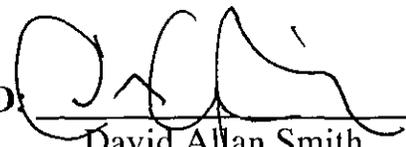
- (A) The area referred to as the McCarty Tract Annexation Area is being annexed by Ordinance No. 20081023-017, for the limited purposes of planning and zoning, and a Planning Study and Regulatory Plan for the area were prepared as required by state law.
- (B) The Regulatory Plan included in Exhibit 1 attached to this ordinance serves the public health, safety and welfare, and the interests of the current and future residents of the City of Austin.
- (C) The Regulatory Plan included in Exhibit 1 attached to this ordinance has been revised to clarify the reference to City Code provisions, and these revisions serve the public health, safety and welfare, and the interests of the current and future residents of the City of Austin.

PART 2. The Regulatory Plan included in Exhibit 1 attached to this ordinance is approved as the Regulatory Plan for the McCarty Tract Annexation Area.

PART 3. This ordinance takes effect on November 3, 2008.

PASSED AND APPROVED

_____ October 23 _____, 2008 §
 §
 § _____ 
 Will Wynn
 Mayor

APPROVED: 
 David Allan Smith
 City Attorney

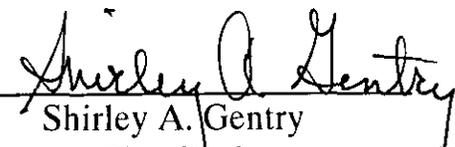
ATTEST: 
 Shirley A. Gentry
 City Clerk

EXHIBIT 1



McCarty Tract

Limited Purpose Annexation Planning Study and Regulatory Plan

Planning Study

Background

The owner of the McCarty Tract has petitioned the City to annex the property for limited purposes pursuant to Sec. 43 129 of the Texas Local Government Code as shown on Exhibit 1

As part of the request for limited purpose annexation, the owner has waived the requirement of Sec 43 123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation

The McCarty Tract is proposed for annexation for the limited purposes of planning and zoning.

Area Description

The proposed annexation area covers approximately 14 acres in Travis and Williamson Counties east of FM 1325 approximately 960 feet north of the intersection of FM 1325 and Shoreline Drive and is located in the City's Extraterritorial Jurisdiction (ETJ).

The proposed annexation area is currently undeveloped

Projected Ten Year Development With and Without Annexation

The developer is planning to build a 220 unit multi-family project on this site. The developer will submit a zoning case prior to final approval of the annexation ordinance.

Given market forces, it is reasonable to assume that development of approximately same density and intensity of use as the development proposal provided to the City will be built on the tract irrespective of whether or not it is annexed

If annexed, the property will be developed in accordance with the City's zoning and site development standards

Issues Supporting Annexation

The area must be annexed for limited purposes prior to final approval of the proposed zoning case

Public Benefit from the Annexation

Limited purpose annexation and zoning will result in higher quality development than would otherwise occur

The Economic, Environmental and other Impacts of the Proposed Annexation on Residents, Landowners Businesses and in the Proposed Annexation Area

Limited purpose annexation with a future conversion to full purpose status will be of economic benefit to the owners of the property. Currently, there are no residents in the proposed annexation area. There is no business activity in the proposed annexation area

The proposed annexation and the imposition of City zoning and development standards will benefit residents and property owners in the area surrounding the McCarty Tract by requiring higher quality development than would otherwise occur

The proposed limited purpose annexation will protect the local environment by ensuring that future development will be in compliance with the City's zoning and Title 30 development standards.

Proposed Zoning for the Area

The area will be zoned in accordance with the procedures required by state law and Title 25 of the Code of the City of Austin (the Land Development Code).

From the effective date of the limited purpose annexation until the property is zoned, the area will be treated for development purposes in accordance with Section 25-2-222 (Designation of Annexed Land) of the Code.

Comments regarding the proposed zoning will be considered at the public hearings for the proposed limited purpose annexation

Regulatory Plan

Development Regulations

Annexation of the area for the limited purposes of planning and zoning will extend the full range of City regulatory authority regarding development, construction, land use, and environmental quality to the area. This authority includes the application of all regulations pertaining to planning and zoning including but not limited to, regulations within the City's Land Development Code including Title 30 Austin/Travis County Subdivision Regulations and related technical manuals, and all rules adopted pursuant thereto

Future Full Purpose Annexation

The owner of the McCarty Tract has waived the requirements of Sec 43 123 (d) (2) of the Texas Local Government Code that the property be annexed for full purposes within three years of the effective date of its limited purpose annexation

Full purpose annexation of the area proposed for limited purpose annexation will take place at the City's discretion. The property owner's letter requesting annexation is attached to this Regulatory Plan as Exhibit 1

August 18, 2008

The Honorable Will Wynn, Mayor
And Members of the City Council
C/o Virginia Collier
Neighborhood Planning and Zoning Department
P.O. Box 1088
Austin, TX 78767

RE: Owner's Petition for Limited Purpose Annexation of +/- 14 Acres at approximately
15515 FM 1325

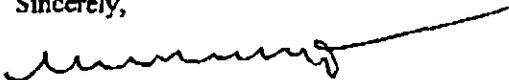
Dear Mayor Wynn

Pursuant to §43.129 of the Texas Local Government Code, the undersigned owner ("the Owner") of the approximately 14 acres of land at approximately 15515 FM 1325, which land is further described in Exhibit A ("Property"), does hereby petition the City of Austin ("City"), Texas to annex the Property for the limited purposes of planning and zoning.

Further, pursuant to §43.127 (a) of the Texas Local Government Code, owner hereby waives the City's obligation to annex the land described in Exhibit A for full purposes within three years of the date of limited purpose annexation and instead requests and authorizes the City to annex the land described in Exhibit A for full purposes at such time as the City determines to do so.

If you have any questions regarding this matter, please feel free to contact me at 512-258-6611.

Sincerely,



Mike McCarty

EXHIBIT "A"
PROPERTY DESCRIPTION

Approximately 14 218 acres of land, more or less, consisting of:

Tract 1: That certain tract of land which is described on Exhibit "A-1" attached hereto and incorporated herein by reference, containing approximately 14.714 acres, more or less;

PLUS

Tract 2: That certain tract of land which is described on Exhibit "A-2" attached hereto and incorporated herein by reference, containing approximately 35,358 square feet, more or less;

LESS, SAVE AND EXCEPT

Tract 3: That certain tract of land which is described as Tract 1 on Exhibit "A-3" attached hereto and incorporated herein by reference, containing approximately 8,844 square feet, more or less; and

FURTHER LESS, SAVE AND EXCEPT

Tract 4: That certain tract of land which is described as Tract 2 on Exhibit "A-3" attached hereto and incorporated herein by reference, containing approximately 1.105 acres of land, more or less.

A handwritten signature and initials are present in the bottom right corner. The signature is a stylized, cursive name, and the initials are a circled 'U'.

EXHIBIT "A-1"

FIELD NOTES

BEING ALL OF THAT CERTAIN TRACT OR PARCEL OF LAND OUT OF AND A PART OF THE M M HORNSBY SURVEY NO 76, SITUATED IN TRAVIS AND WILLIAMSON COUNTIES, TEXAS, SAID TRACT OF LAND MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF LAND CONVEYED TO ROUND ROCK INDEPENDENT SCHOOL DISTRICT, DATED AUGUST 23, 1989, FOUND IN VOLUME 1812, PAGE 110 OF THE DEED RECORDS OF WILLIAMSON COUNTY, TEXAS, SAID TRACT BEING 14 714 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

BEGINNING, at an iron pin found at the most northerly corner of the herein described tract, same being in the southerly line of land conveyed to Milburn Investment, Inc, found of record in said Deed Records, from which point an iron pin found bears N58°40'31"W, 146 70 feet, same point being in the easterly right-of-way line of Burnet Road (F M 1325), a 120' right-of-way,

THENCE, with the northerly line of the herein described tract, same line being the southerly line of land conveyed to Milburn Investment, Inc, found of record in Volume 11815, Page 951, of said Deed Records, the following six (6) courses and distances numbered 1 through 6

- 1 S59°40'07"E, 169.30 feet to an iron pin found,
- 2 S60°01'48"E, 472 05 feet to an iron pin found,
- 3 S60°07'41"E, 27 51 feet to an iron pin found in concrete,
- 4 S60°00'27"E, 352 27 feet to an iron pin found,
- 5 S60°09'57"E, 331 16 feet to an iron pin found,
- 6 S59°48'14"E, 147.80 feet to an iron pin found at the northeasterly corner of the herein described tract, same being the most northerly corner of land conveyed to Billie Borders, et al,

THENCE, along the easterly line of the herein described tract, same being the westerly property line of said Borders, et al, tract, the following five (5) courses and distances, numbered 1 through 5

- 1 S30°22'34"W, 124 02 feet to an iron pin found,
- 2 S59°35'25"E, 120 48 feet to an iron pin found,
- 3 S30°23'22"W, 120.63 feet to an iron pin found,
- 4 leaving said Borders boundary line, N59°32'17"W, 120 33 feet to an iron pin found, same point being in the northerly line of Willow Run Section 1, a subdivision found of record in Volume 91, Page 150, of the Travis County, Texas Plat Records,
- 5 S30°21'47"W, 325 31 feet to an iron pin found, same point being the most southerly corner of the herein described tract, leaving said Willow Run Section 1 subdivision and being in the northerly line of land conveyed to Milburn Investment, Inc, found of record in Volume 11815, Page 951,

THENCE, along the southerly line of the herein described tract, same being with the northerly line of said Milburn Investment, Inc, tract, the following seven (7) courses and distances, numbered 1 through 7

- 1 N58°10'50"W, 744 22 feet to an iron pin found, same point being the northwesterly corner of said Milburn Investment, Inc tract, and the easterly line of land conveyed to Texas Greenscape, found of record in Volume 11843, Page 4929, of said Deed Records,
- 2 leaving said Milburn Investment, Inc tract and following with the easterly line of said Texas Greenscape tract, N05°56'25"E, 20 45 feet to an iron pin found,

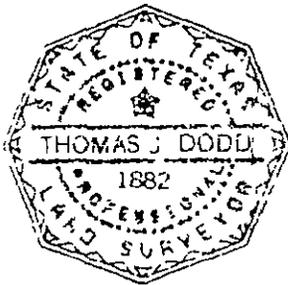
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- 3 N58°43'23"E, 48.59 feet to an iron pin found,
- 4 N29°51'04"W, 63.65 feet to an iron pin found,
- 5 N29°40'42"W, 115.48 feet to an iron pin found,
- 6 N05°30'13"E, 167.42 feet to an iron pin found,
- 7 N65°50'59"W, 408.98 feet to an iron pipe found

THENCE, with the westerly line of the herein described tract, N04°36'00"E, 316.51 feet to the POINT OF BEGINNING containing 14.714 Acres Of Land

SURVEYED BY:




THOMAS J. DODD, R.P.L.S. NO. 1882
CARLSON ENGINEERING & ASSOCIATES, INC.
3401 Slaughter Lane West
Austin, Texas 78748
(512) 282-0170

Job No 3489-004
8/28/95


EXHIBIT A

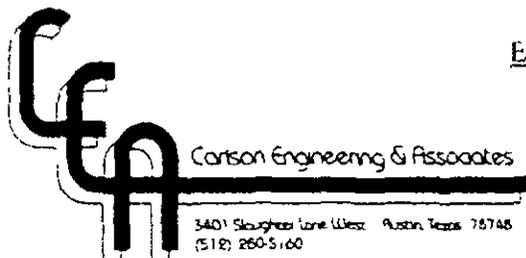


EXHIBIT "A-2"

FIELD NOTES

TRACT 3

BEING ALL OR A PART OF THE CERTAIN TRACT OF LAND OUT OF AND A PART OF THE M. M. HORNSBY SURVEY NUMBER 76, SITUATED IN TRAVIS AND WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO TEXAS GREENSCAPES IN VOLUME 11843, PAGE 4929, WILLIAMSON COUNTY, TEXAS DEED RECORDS, SAID TRACT OF LAND BEING 35,358 SQUARE FEET MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pin found in the northwest corner of the Mike McCarty tract, recorded in Document # 9538326, Williamson County, Texas Deed Records, same point being the most northerly northeast corner of the herein described tract,

THENCE, with the west line of above said McCarty tract and the east line of the herein described tract, S04°36'00"W, 270.62 feet to an iron pin set for the southeast corner of the herein described tract,

THENCE, leaving the west line of the above said McCarty tract with the south line of the herein described tract, N60°01'48"W, 167.73 feet to an iron pin set in the east right-of-way of F. M. 1325 for the southwest corner of the herein described tract,

THENCE, with the east right-of-way of F.M. 1325 and the west line of the herein described tract, N09°02'03"E, 217.06 feet to an iron pin set in a curve whose radius is 5,000.00 feet, for the northwest corner of the herein described tract,

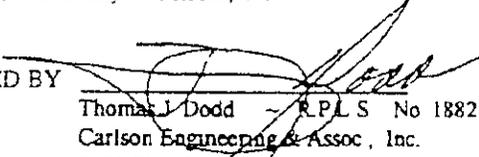
THENCE, leaving the west line of said Texas Greenscapes tract and following the south line of the Stearns tract, recorded in Volume 2137, Page 362, Williamson County, Texas Deed Records, with said curve to the right an arc length of 86.85 feet and whose chord bears S71°46'41"E, 86.85 feet to an iron pin set in the north line of the herein described tract, same point being the southeast corner of said Stearns tract, for an ell corner,

THENCE, with the east line of said Stearns tract and a west line of the herein described tract, N01°11'29"E, 29.17 feet to an iron pin set for the most northerly point of the herein described tract, same point being the northeast corner of said Stearns tract for an ell corner,

THENCE, leaving the east line of said Stearns tract, with the north line of the herein described tract, S58°40'31"E, 58.70 feet the POINT OF BEGINNING containing 35,358 Square Feet of Land

Dated this the 29th day of October, 1997

SURVEYED BY


Thomas J. Dodd - R.P.L.S. No 1882
Carlson Engineering & Assoc., Inc.
3401 Slaughter Lane West
Austin, TX 78748
(512) 280-5160 Fax: (512) 280-5165

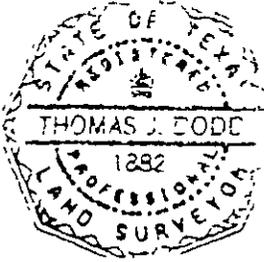



EXHIBIT A

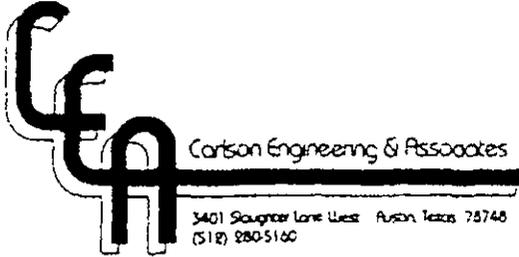


EXHIBIT "A-3"

FIELD NOTES

TRACT 1

BEING ALL OR A PART OF THE CERTAIN TRACT OF LAND OUT OF AND A PART OF THE M. M. HORNSBY SURVEY NUMBER 76, SITUATED IN TRAVIS AND WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO MIKE MCCARTY IN DOCUMENT NUMBER 9538326, WILLIAMSON COUNTY, TEXAS DEED RECORDS, SAID TRACT BEING 8,844 SQUARE FEET OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pin found for the westerly corner of above said McCarty tract, same being an interior ell corner of the Texas Greenscapes tract, recorded in Volume 11843, Page 4929, Williamson County, Texas Deed Records, for the POINT OF BEGINNING,

THENCE, with the west line of above said McCarty tract, same being the east line of above said Texas Greenscape tract, N04°36'00"E, 45.90 feet to a point in the west line of above said McCarty tract, same being in the east line of above said Texas Greenscape tract,

THENCE, S60°01'48"E, 426.53 feet to an iron pin found at an interior ell corner of above said McCarty tract,

THENCE, with the south line of above said McCarty tract, same being in the north line of above said Texas Greenscape tract, S65°50'59"E, 408.98 feet to the POINT OF BEGINNING containing 8,844 square feet of land.

TRACT 2

BEING ALL OR A PART OF THE CERTAIN TRACT OF LAND OUT OF AND A PART OF THE M. M. HORNSBY SURVEY NUMBER 76, SITUATED IN TRAVIS AND WILLIAMSON COUNTY, TEXAS, SAID TRACT OF LAND BEING MORE PARTICULARLY DESCRIBED AS BEING OUT OF AND A PART OF THAT CERTAIN TRACT OF LAND CONVEYED TO MIKE MCCARTY IN DOCUMENT NUMBER 9538326, WILLIAMSON COUNTY, TEXAS DEED RECORDS, SAID TRACT BEING 1.105 ACRES OF LAND MORE FULLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pin found at an interior ell corner of above said McCarty tract, same being in the north line of Texas Greenscapes tract, recorded in Volume 11843, Page 4929, Williamson County,

Texas Deed Records, from which point, for a **POINT OF REFERENCE**, an iron pin found for the most westerly corner of above said McCarty tract bears N65°50'59W 408.98 feet,

THENCE, S60°01'48"E, 261.83 feet to an iron pin set,

THENCE, S29°58'12"W, 303.93 feet to an iron pin set in the south line of above said McCarty tract, same being in the north line of Milburn Investments tract, recorded in Volume 11815, Page 951, Travis County, Texas Deed Records,

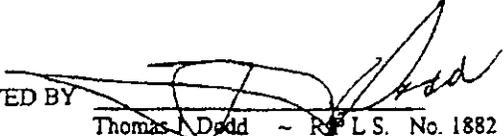
THENCE, N58°10'50"W, 51.92 feet to an iron pin found at the most northerly corner of above said Milburn Investments tract, same being in the south line of above said McCarty tract, same being in the north line of above said Texas Greenscape tract,

THENCE, with the south line of above said McCarty tract, same being in the north line of above said Texas Greenscape tract, the following five (5) courses and distances numbered 1 through 5

1. N05°56'25"E, 20.45 feet to an iron pin found,
2. N58°43'23"E, 46.59 feet to an iron pin found,
3. N29°51'04"W, 63.65 feet to an iron pin set,
4. N29°40'42"W, 115.48 feet to an iron pin found,
5. N05°30'13"E 167.42 feet to the **POINT OF BEGINNING** containing 1.105 acres of land.

Dated this the 29th day of October, 1997.

SURVEYED BY


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